IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 18th day December, 2007
Criminal Bail Application No.1408 of 2007
Order on the Bail application of accused.

CRIMINAL SIDE
Ravindra Singh Negi @ Rabbu.
S/o Budhhi Singh Negi, R/o Village Chuicha Gaon,
P.S. & District Pauri.

....Applicant(In Jail)

Versus

State of Uttarakhand

.....Opposite Party

Arising out of Case Crime No.773 of 2007
Under Section 307 I.P.C., P.S. Pauri, District Pauri Garhwal
Hon'ble Dharam Veer, J.

Heard Sri D.C.S. Rawat, learned counsel for the applicant and Sri Harish Pujari, learned Additional Government Advocate for the State.

In brief the prosecution case is that on 16.11.2007 at about 9:30 P.M. the complainant was going along with his brother Daboo Negi and his friend Suman Rawat, and when they reached near the Kandoliya Ground Gate the applicant Ravindra Singh Negi @ Rabbu along with 2-3 other persons had caused the injuries on the head of the complainant by *Khukhri* and Knife with the common intention and motive to kill him. Due to the injuries caused by the applicant, injured/complainant had received the injuries on his neck, head and on the left side of the chest. There was a dispute at the time of Diwali between the complainant and the applicant. With the same averments the F.I.R. was lodged by Sri Bhagwan Singh Begi, on 16.11.2007 at 10:10 P.M. in Police Station Kotwali Pauri, District Pauri Garhwal. After the said incident, on the same day i.e. on 16.11.2007 at about 10:15 P.M., injured/complainant was medically examined in the District Hospital, Pauri Garhwal by the Medical Officer. The Medical Officer has found the following injuries on his body which are as under :-

1. *Incised wound over centre of Scalp liner length 9 cm x 0.1 cm depth connective tissue deep. Fresh bleeding present.*
2. *Incised wound over right side of the neck 9 cm x 0.1 cm.*

3. *Incised wound over left side of neck 8 cm x 1/4 cm in size, skin deep.*
4. *Incised wound over left side of clavicle measuring 9 cm x ½ cm in size connect tissue deep. Fresh bleeding present.*
5. *Incised wound over right side of scalp oblique in direction measuring 6 cm x 0.2 cm., connect tissue deep*
6. *Swelling present over upper lip.*

The doctor has opined that injury no.1 to 2 are fresh in duration and could be caused within one hour. Injuries no.1 to 5 were caused by sharp object and injury no.6 could be caused by hard object & was kept under observation for nature of injuries.

The injury report shows that there are six injuries on the person of injuries/complainant and it was averted in the FIR that the injuries were caused by *khukhri* or knife by the present applicant and *khukhri* or knife is a sharp edged weapon and incised wounds are on the vital part i.e. on the chest, head and neck. The weapons knife or *khukhri* are the sharp edged weapons and in the present case the applicant has been assigned the specific role and he has caused the injuries to the injured/complainant by *khukhri or* knife on his head, chest and neck and as such, the injuries are on the vital part of the injured. In this way, the averments made in the FIR are also corroborated by the injury report.

After considering all the facts and circumstances and particularly considering the fact that the applicant has been assigned the main role in causing the injuries to the injured/complainant, I think that it is not a fit case in which the applicant deserves bail at the stage.

Hence, the bail application is hereby rejected.

(Dharam Veer, J.)

December 18, 2007
Rajeev Dang